

CITY OF ABSECON

ORDINANCE 18-2024

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 224, ZONING, OF
THE CODE OF THE CITY OF ABSECON AND REPEALING ALL ORDINANCES
HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH**

WHEREAS, the City of Absecon, operating under the city form of government, is governed by statutes, that allow the city to pass, adopt, amend and repeal any ordinance or, where permitted, any resolution for any purpose required for the government of the municipality or for the accomplishment of any public purpose for which the municipality is authorized to act under general law; and

WHEREAS, Chapter 224-110.1 of the Revised General Ordinances of the City of Absecon currently details, in part, required conditions for a rooming house or boarding house operating as a non-Oxford house model recovery home to operate as a conditional use in a residential zone; and

WHEREAS, Chapter 224-110.1 of the Revised General Ordinances of the City of Absecon requires a rooming house or boarding house operating as a non-Oxford house model recovery home to maintain a minimum separation distance of 1,000 feet from any school; and

WHEREAS, the City Council believes it desirable, and in the best interest of the City and its citizens, to amend Chapter 224-110.1 of the Revised General Ordinances of the City of Absecon to include parks and recreational facilities in the minimum separation distance requirement for a rooming house or boarding house operating as a non-Oxford house model recovery home to maintain a minimum separation distance of 1,000 feet from any school; and

WHEREAS, the City Council also believes it is desirable, and in the best interest of the City and its citizens, to further amend Chapter 224-110.1 of the Revised General Ordinances of the City of Absecon to put in place appropriate penalties for those owning and/or operating a rooming house or boarding house operating as a non-Oxford house model recovery home and/or a Cooperative Sober Living Residence (CSLR) who fail to comply with the conditions required to maintain said status; and

WHEREAS, the City Council also believes it is desirable, and in the best interest of the City and its citizens, to further amend Chapter 224-110.1 of the Revised General Ordinances of the City of Absecon to require an owner and/or operator of a rooming house or boarding house operating as a non-Oxford house model recovery home and/or a Cooperative Sober Living Residence (CSLR) to notify the City of Absecon Zoning Officer any time there is a change in occupancy within the residence;

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Absecon, County of Atlantic, State of New Jersey as follows:

SECTION 1. Chapter 224 Zoning, Article XVIII Supplemental Regulations Applicable to All Zoning Districts, Section 110.1, Boarding House, Cooperative Sober Living Residence, Non-Oxford House Model Recovery Home, Oxford House Model Recovery Home, Recovery Home and Rooming House, of the city of Absecon Municipal Code is hereby amended, replaced and superseded as follows (additions are underlined, deletions are ~~bracketed~~):

Chapter 224. ZONING.

Article XVIII. Supplemental Regulations Applicable to All Zoning Districts.

Section 110.1. Boarding House, Cooperative Sober Living Residence, Non-Oxford House Model Recovery Home, Oxford House Model Recovery Home, Recovery Home and Rooming House.

Paragraph 1, iii. Requires a minimum separation of 1,000 feet from any school, in accordance with the most recent Drug Free School Zone Map[.], and any city park or recreational facility.

Paragraph 1, v. Requires an owner and/or operator of a sober living home to notify the City of Absecon Zoning Officer, in writing by certified mailing, each time there is a change in occupancy of the residence, whether that be an individual moving in or an individual moving out, within five (5) days of the occupancy change.

Paragraph 4: An owner and/or operator of a rooming house or boarding house operating as a non-Oxford house model recovery home and/or a Cooperative Sober Living Residence (CSLR) who is/are found to be in violation of 224-110.1, Paragraph 1, sub-paragraphs i-v, shall be fined an amount not less than \$100 and not more than \$2000 for each violation.

SECTION 2: All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

SECTION 3: If any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end of the provisions of this Ordinance are hereby declared to be severable.

SECTION 4: This Ordinance shall take effect within twenty (20) days of final passage and publication, as provided by law.

DATED: December 5th, 2024

APPROVED: 
Kimberly Horton, Mayor

ATTEST: 
Carie A. Crone, RMC, Municipal Clerk

Passed on first reading at a regular meeting of the Municipal Council held on November 7th, 2024. Laid over and advertised for public hearing and final adoption on December 5th, 2024. Notice is hereby given that the foregoing Ordinance was approved for final adoption by the Municipal Council of the City of Absecon at a regular meeting held on December 5th, 2024.